

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 97-7203

DAVID WAYNE HEAD,

Petitioner - Appellant,

versus

DONALD R. GUILLORY, Warden,

Respondent - Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Leonie M. Brinkema, District Judge. (CA-97-152-AM)

Submitted: March 12, 1998

Decided: March 24, 1998

Before LUTTIG, WILLIAMS, and MICHAEL, Circuit Judges.

Dismissed by unpublished per curiam opinion.

David W. Head, Appellant Pro Se. Robert H. Anderson, III, OFFICE OF THE ATTORNEY GENERAL OF VIRGINIA, Richmond, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Appellant seeks to appeal the district court's order denying relief on his petition filed under 28 U.S.C.A. § 2254 (West 1994 & Supp. 1997). We have reviewed the record and the district court's opinion and find no reversible error. Accordingly, we grant leave to proceed in forma pauperis, deny a certificate of appealability, and dismiss the appeal on the reasoning of the district court. Head v. Guillory, No. CA-97-152-AM (E.D. Va. July 28, 1997). Because we find that the state court properly applied Virginia law to Appellant's claims of an unknowing and unintelligently entered guilty plea and ineffective assistance of counsel, we dismiss the appeal of these claims as meritless. See Anderson v. Warden, 281 S.E.2d 885 (Va. 1981). We also dismiss Appellant's claim that the district court should have held an evidentiary hearing because the motions, files, and record adequately demonstrate that Appellant is not entitled to relief. See Fontaine v. United States, 411 U.S. 213, 215 (1973). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED